

### **THE AMENDMENT**

Claims 1-8 and 10-22 are in the case. Claims 1, 10-12 and 19 have been amended. Claims 23-54 have been withdrawn. Claim 9 has been canceled.

The amendment to claim 1 is supported by claim 9 (now canceled) and “movement of the first animated element at various movement rates” found in claim 19 (now amended).

The amendment to claims 10-12 is to provide proper antecedent basis with claim 1, now that claim 9 has been canceled.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

### **REMARKS**

#### **I. Rejection of claims 1-16 and 20-22 as being obvious over Fey (Slot Machines, A Pictorial History of the First 100 Years).**

Claims 1-16 and 20-22 were rejected as being unpatentable under 35 U.S.C. 103(a) over Fey. Applicants respectfully traverse this rejection.

The Office contends that the breadth of independent claim 1 is based on “animation” involving multiple pointers having only aesthetic value and no functional value, and is, therefore, not patentably distinguishable from the prior art. The Office further contends that independent claim 1 lacks any mechanical details (presumably related to function of the various elements).

Applicants submit that newly amended claim 1 has addressed the Office’s aforementioned points by including actuator and controller elements (see previous claim 9) associated with the function of moving the first animated element at various movement rates (see previous claim 19). Applicants submit that there is no suggestion or disclosure in Fey regarding

use of an actuator and a controller associated with the function of moving an animated element at various movement rates, as required by Applicants' claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

**2. Rejection of claims 17 and 18 as being obvious over Fey (Slot Machines, A Pictorial History of the First 100 Years) as applied to claim 1, and further in view of Nordman (U.S. Patent No. 6,712,694).**

Claims 17 and 18 were rejected as being unpatentable under 35 U.S.C. 103(a) over Fey in view of Nordman. Applicants respectfully traverse this rejection.

Applicants submit that newly amended claim 1 (see discussion in Section 1, above), from which claims 17-18 are dependent, has provided a novel and non-obvious gaming system, whose elements are not suggested or disclosed by the cited references, taken either alone or in combination. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

**CONCLUSION**

For all of the above reasons, Applicants respectfully submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or this response, the Examiner is encouraged to call Applicant's attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

/thomas j howell/

---

Thomas J. Howell, PhD.  
Agent for Applicants  
Registration No. 34,351